

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuenger	Commissioner
Katie J. Sieben	Commissioner
John A. Tuma	Commissioner

In the Matter of the Application of Blazing Star Wind Farm 2, LLC for a Site Permit for the up to 200 MW Blazing Star 2 Wind Project in Lincoln County, Minnesota

ISSUE DATE: January 29, 2018

DOCKET NO. IP-6985/WS-17-700

ORDER ACCEPTING APPLICATION, DESIGNATING ADMINISTRATIVE RESPONSIBILITIES, AND VARYING RULES

PROCEDURAL HISTORY

On November 15, 2017, Blazing Star Wind Farm 2, LLC (Blazing Star 2 or the Applicant) filed an application for a large wind energy conversion system (LWECS) site permit (the Application) for an up to 200 megawatt (MW) wind project and associated facilities (the Project).

On November 28, 2017, the Commission issued a notice requesting comment on whether the Application is complete under the rules, whether there are contested issues of fact in the Application, and whether the Application should be referred to the Office of Administrative Hearings for a contested-case proceeding.

On December 11, 2017, the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) filed comments recommending that the Commission accept the Application as complete, take no action at this time on certain trade-secret data in the Application, delay its decision regarding contested-case proceedings, and vary Minn. R. 7854.0800.

Also on December 11, 2017, the Minnesota Pollution Control Agency filed a letter stating that it had reviewed the Application and had no comments at this time.

On January 11, 2018, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. The Project

Blazing Star 2 is requesting a site permit for an up to 200 MW wind farm in Lincoln County. The Project's footprint would cover approximately 57,800 acres in portions of Diamond Lake,

Drammen, Ash Lake, Shaokatan, Royal, Hendricks, and Marble Townships. The Project would be part of Xcel Energy's 1,550 MW wind generation portfolio that the Commission approved in September 2017.¹ The Applicant would develop the Project, and Xcel would build, own, and operate the Project. The Applicant has also notified the Commission of its plan to file a route-permit application for a 115 kilovolt (kV) high-voltage transmission line to interconnect the Project to the Brookings-Hampton 345 kV transmission line.²

II. Jurisdiction

Before constructing an LWECS, one must obtain a site permit from the Commission. A wind energy conversion system with a combined nameplate capacity of 5 MW or more is considered an LWECS.³ Because the Project exceeds 5 MW, Blazing Star 2 must obtain an LWECS site permit from the Commission. Minn. R. Ch. 7854 contains the application requirements and criteria for granting an LWECS site permit.

III. Application Completeness

EERA reviewed the Application for completeness under Minn. R. 7854.0500 and recommended that the Commission find the Application complete.

The Commission has reviewed the Application and the parties' comments and agrees with EERA; the Commission will accept the Application as substantially complete.

IV. Procedural Matters

A. Review Process

As the Department noted in its comments, there do not appear to be any contested issues of fact, controversial issues, or sensitive resource impacts associated with the Project at this time. The Commission therefore declines to take action on the hearing process at this time. The Commission will revisit this decision when it considers whether to issue a draft site permit for the Project.

B. Administrative Responsibilities

To facilitate the review process, the Commission will take the following actions to designate administrative responsibilities for the Applicant, EERA, and Commission staff:

- Delegate administrative authority in this proceeding, including timing issues, to the Executive Secretary.

¹ *In the Matter of the Petition of Xcel Energy for Approval of the Acquisition of Wind Generation from the Company's 2016–2030 Integrated Resource Plan*, Docket No. E-002/M-16-777, Order Approving Petition, Granting Variance, and Requiring Compliance Filing (September 1, 2017). The Commission also determined in this order that the Project is exempt from the requirement to obtain a certificate of need under Minn. Stat. 216B.2422, subd. 5.

² *In the Matter of the Application of Blazing Star Wind Farm 2, LLC for a 115 kV Transmission Line and Associated Facilities in Lincoln County, Minnesota*, Docket No. IP-6985/TL-17-701.

³ Minn. Stat. § 216F.01, subd. 2.

- Request that EERA continue to study the issues and indicate during the hearing process, through testimony or comments, its position on the reasonableness of granting a site permit.
- Require the Applicant to facilitate in every reasonable way the continued examination of the issues requested by EERA and Commission staff.
- Require the Applicant to place a print or electric copy of the Application in the government center or public library located closest to the Project site.
- Require the Applicant to work with Commission staff to arrange for publication of the notice of hearing in newspapers of general circulation at least ten days prior to the hearing, that such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.
- Require that all noticing requirements in these matters provided for under Minn. Stat. Ch. 216F and Minn. R. Ch. 7854 shall include delivery to all affected landowners. An affected landowner is any landowner or designee that is within or adjacent to the Project boundary.

C. Public Advisor

Upon acceptance of an application for a site permit, the Commission designates a staff person to act as Public Advisor on the project under Minn. R. 7854.0700. The Public Advisor is available to answer questions from the public about the permitting process. In this role, the Public Advisor may not act as an advocate on behalf of any person.

The Commission will designate Charley Bruce as the Public Advisor. His phone number is 651.201.2251 and his email is publicadvisor.puc@state.mn.us.

V. Rule Variances to Extend Timelines

Under Minn. R. 7829.3200, the Commission will vary any of its rules upon making the following findings:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting the variance would not adversely affect the public interest; and
3. Granting the variance would not conflict with standards imposed by law.

Minn. R. 7854.0600, subp. 1, requires the Commission to decide on the completeness of an LWECS site permit application within 30 days of filing.

The Commission concludes that the requirements for a variance to Minn. R. 7854.0600, subp. 1, are met, and makes the following findings:

1. Enforcement of the rule would impose an excessive burden upon the Commission, EERA, and the public, because the timeframe in the rule does not allow enough time to review the Application, solicit comments, schedule a Commission meeting, and prepare a written order;
2. Varying the timeframe serves the public interest by allowing more time for public comment on, and Commission consideration of, the Application;
3. Granting the variance does not conflict with standards imposed by law.

Accordingly, the Commission will vary Minn. R. 7854.0600, subp. 1, to extend the timeline contained in the rule.

Additionally, EERA has requested a variance to Minn. R. 7854.0800, subp. 1, which requires the Commission to make a preliminary determination regarding the issuance or denial of a site permit within 45 days of accepting the application, after which a draft site permit is prepared. EERA requests an extension of the timeline contained in the rule to allow more time for the scheduling of the informal meeting and for public comment on the issues to be considered in the draft site permit.

The Commission concludes that the requirements for a variance to Minn. R. 7854.0800, subp. 1, are met, and makes the following findings:

1. Enforcement of the rule would impose an excessive burden upon the Commission, EERA, and the public, because it would not allow sufficient time to schedule and hold public information meetings, provide for an adequate public comment period, prepare a draft site permit, schedule a Commission meeting, and prepare a written order;
2. Varying the timeframe serves the public interest by allowing more time for public comment on issues to be considered in the draft site permit;
3. Granting the variance does not conflict with standards imposed by law.

Accordingly, the Commission will grant EERA's requested variance to Minn. R. 7854.0800, subp. 1, to extend the timeline contained in the rule.

The Commission will also delegate to the Executive Secretary the authority to establish a new timeline for the Commission's preliminary determination under Minn. R. 7854.0800, subp. 1.

ORDER

1. The Commission accepts the Application as substantially complete.
2. The Commission delegates administrative authority in this proceeding, including timing issues, to the Executive Secretary.

3. The Commission designates Charley Bruce as the Public Advisor to facilitate citizen participation in the review process. His phone number is 651.201.2251 and his email is publicadvisor.puc@state.mn.us.
4. The Commission requests that EERA continue to study the issues and indicate during the hearing process, through testimony or comments, its position on the reasonableness of granting a site permit.
5. The Commission directs the Applicant to comply with all requirements set forth below:
 - a. The Applicant shall facilitate in every reasonable way the continued examination of the issues requested by EERA and Commission staff.
 - b. The Applicant shall place a print or electric copy of the Application in the government center or public library located closest to the Project site.
 - c. The Applicant shall work with Commission staff to arrange for publication of the notice of hearing in newspapers of general circulation at least ten days prior to the hearing, that such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.
 - d. All noticing requirements in these matters provided for under Minn. Stat. Ch. 216F and Minn. R. Ch. 7854 shall include delivery to all affected landowners. An affected landowner is any landowner or designee that is within or adjacent to the Project boundary.
6. The Commission varies Minn. R. 7854.0600, subp. 1, and Minn. R. 7854.0800, subp. 1, to extend the timelines contained in those rules.
7. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.